

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK**

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**ROBERT ALFANO,**

**Plaintiff,**

**- against -**

**NATIONAL GEOGRAPHIC CHANNEL, et. al.,**

**Defendants.**  
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**ORDER**

**06 CV 3511 (NG) (JO)**

**GERSHON, United States District Judge:**

Plaintiff has filed objections to Magistrate Judge Orenstein's order of August 16, 2007. Having reviewed the objections, I conclude that Judge Orenstein's order was neither clearly erroneous nor contrary to law. On the contrary, it was entirely correct. Insofar as plaintiff raises as an objection that Judge Orenstein did not disclose his participation in the prosecution of John Gotti and argues that this raises questions as to his impartiality, I note that plaintiff has now made a motion to Judge Orenstein for his recusal, which is the appropriate vehicle for such a challenge. Judge Orenstein's order is affirmed.

A pretrial conference on defendants' proposed motion for summary judgment will be held on October 18, 2007, at 11:30 a.m.

**SO ORDERED.**

\_\_\_\_\_/s/\_\_\_\_\_  
**NINA GERSHON**  
**United States District Judge**

Dated: October 3, 2007  
Brooklyn, New York